IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE S.R. NAYAK
and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19703 of 2000

Between:

..... PETITIONER

AND

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

Counsel for the Petitioner:MR.RAMACHANDAR RAO VEMUGANTI

Counsel for the Respondent No.: SPL GP FOR TAXES

The Court made the following :

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.2CCs to
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ORDER:

The petitioner seeks to issue a writ of mandamus declaring the proceedings of the 1st respondent in
BA NO.878/2003-04/T2, dated 31.01.2005, as illegal and arbitrary and to issue consequential directions directing the respondent-authorities to sanction the layout plan submitted by him in T.S.No.360/1 in an extent of 994.5 square yards equivalent to 831.40 square metres situated at Maharanipet, Northward, Vizianagaram.

It is the case of the petitioner that he purchased an extent of 994.5 square yards equivalent to 831.40 square metres situated at Maharanipet, Northward, Vizianagaram from its original owner and applied for construction of the building. But, the said application has been rejected by order, dated 31.01.2005 on the ground that the said land was recorded in the Town Planning Records as 'Konda Poramnboke'.

A counter has been filed stating that the petitioner submitted a building plan for construction of RCC roofed residential building in T.S.No.360/1 of M.N. Ward and the same was rejected on the ground that the site was recorded as 'poramboke konda' i.e. government poramboke in the T.S. records. It is stated that T.S.No.360 of M.N. Ward of Vizianagaram is hill poramboke as per town survey records and not private land and therefore, the application was rejected.

There is a dispute with regard to the right and title of the petitioner and no sanction has been accorded by the government in respect of the land.

Having regard to the facts of the case, the writ petition is dismissed giving liberty to the petitioner to establish his right and title before the appropriate Civil Court. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:25.03.2008
Ccm